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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,933	12/19/2001	Noriyuki Kawano	217311US2	9893
22850	7590	09/15/2006	EXAMINER	
C. IRVIN MCCLELLAND OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			ORTIZ CRIADO, JORGE L	
			ART UNIT	PAPER NUMBER
			2627	

DATE MAILED: 09/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/020,933	Applicant(s) KAWANO, NORIYUKI	
	Examiner Jorge L. Ortiz-Criado	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,8-12,19-24,30-33,38-41,47-50 and 55-57 is/are pending in the application.
- 4a) Of the above claim(s) 9-11,20,22,31,39,48 and 56 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,8,12,19,21,23,24,30,32,33,38,40,41,47,49,50,55 and 57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/07/2006 has been entered.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1,8,12,19,21,23-24,30,32-33,38,40-41,47,49-50,55 and 57 are rejected under 35 U.S.C. 102(b) as being anticipated by Ikegame (Japanese Pat. No. JP10-116431).

Regarding claims 1 and 12, Ikegame discloses an objective lens drive apparatus for use in an optical pickup (See Abstract), comprising:

a/two magnetic circuit(s) including a magnet magnetized in at least “three portions” (See Detailed description [0033]; Figs. 11, 12, ref# 8,9; “right, left, up and bottom portions”); and

a coil unit including a focus coil (See detailed description [0028]; Figs. 12, ref # 3),

a tracking coil (See detailed description [0028]; Figs. 12, ref # 4)

and a tilt coil (See detailed description [0028]; Figs. 12, ref # 5,6),

wherein the focus coil, the tracking coil and the tilt coil are disposed within a magnetic gap of (one of) the magnetic circuit(s) (See detailed description [0028]; Figs. 11,12)

Regarding claims 8,19, 30, 38, 47 and 55, Ikegame discloses wherein “the/one of” magnetic circuit includes a plurality of magnets, and the coil unit is disposed within the magnetic gap formed by the magnets (see Figs 11 and 12).

Regarding claim 21, Ikegame discloses wherein the coil unit includes a plurality of first printed circuit boards and second printed boards, and the focus coil and the tracking coil are mounted on the first printed circuit board and the tilt coil is mounted on the second printed board (See Detailed description [0028]; Figs. 11, 12,ref# 23,24).

Regarding claim 23, Ikegame discloses wherein the coil unit is fixed to the two side surfaces of a lens holder extending in parallel with a tracking direction (See Detailed description [0028]; Figs. 11, 12).

Regarding claims 24, 33, 41 and 50 Ikegame discloses an objective lens drive apparatus for use in an optical pickup for detecting the inclination of an optical disk to adjust the inclination of an objective lens in accordance with an inclination signal of the optical disk (See Abstract), comprising:

a/two magnetic circuit(s) including a magnet magnetized in at least “three portions” (See Detailed description [0033]; Figs. 11, 12, ref# 8,9; “right, left, up and bottom portions”); and  
a coil unit including a focus coil (See detailed description [0028]; Figs. 12, ref # 3),  
a tracking coil (See detailed description [0028]; Figs. 12, ref # 4)  
and a tilt coil (See detailed description [0028]; Figs. 12, ref # 5,6),  
wherein the focus coil, the tracking coil and the tilt coil are disposed within a magnetic gap of (one of) the magnetic circuit(s) (See detailed description [0028]; Figs. 11,12)  
wherein a focus/tracking servo is executed by supplying currents respectively to a plurality of the focus/tracking coils due to the sum of drive forces generated in the plurality of focus coils, wherein the inclination adjustment of the objective lens is executed by generating moment around the center of gravity of a movable part due to the difference between the drive forces (see detailed description [0031]-[0038]; Figs. 13-15).

Regarding claims 32, 40, 49 and 57, Ikegame discloses wherein the coil unit includes a plurality of a printed circuit board, and the focus coil and the tracking coil are mounted on the printed circuit board (See Detailed description [0028]; Figs. 11, 12,ref# 23,24).

***Response to Arguments***

Applicant's arguments filed 06/06/2006 have been fully considered but they are not persuasive.

Applicant argues that the originally filed specification and drawings enables the claimed feature of magnets magnetized in two polarities, and where Ikegame does not disclose a magnet magnetized in at least “three portions”.

The Examiner cannot concur with the Applicant because, Ikegame clearly discloses a magnet (8 or 9) magnetized in at least “three portions”, the magnet 8 or 9 of Ikegame clearly shows at least a right, left, top, bottom portions being magnetized.

The Applicant is reminded the claims are given the broadest reasonable interpretation in light of the specification and although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jorge L. Ortiz-Criado whose telephone number is (571) 272-7624. The examiner can normally be reached on Mon.-Thu.(12:30 pm- 9:00 pm).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea L. Wellington can be reached on (571) 272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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ANDREA WELLINGTON  
SUPERVISORY PATENT EXAMINER